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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,343	08/24/2006	Marc Peuker	59606US007	2805

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EXAMINER
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ROSEN, ERIC J

ART UNIT	PAPER NUMBER
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3732

NOTIFICATION DATE	DELIVERY MODE
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01/17/2012

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com

**Office Action Summary**

Application No.

10/598,343

Applicant(s)

PEUKER ET AL.

Examiner

ERIC ROSEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 20 and 25-34 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 20 and 25-34 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 09 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/10/2011</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 20 is objected to because of the following informalities:
2. Claim 20, lines 3-4: delete "each compartment" and add --each of the at least two compartments--.
3. Claim 20, line 12: delete "the compartments" and add --the at least two compartments--.
4. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20, 25, 27, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles and in view of Tischlinger et al (US 3729032).
7. Regarding claims 20 and 33, Broyles discloses a delivery system 10/38 (figure 2) and 60 (figure 6) for controlled dispensing of a substance, the system comprising: a cartridge 12/22 having at least two compartments for storing material components, to form a substance; each compartment having an outlet 18 at a front end; a plunger 22 having at least two pistons (see "pistons" in figure 2 below) for sealing the respective compartments and advancing the material components in the at least two

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compartments; and a lever 30 and a geared connection rod (see "connection rod" in figure 2 below) for providing controlled dispensing of the substance, wherein the lever is integrally formed with at least a part of the cartridge (see figure 2; the lever 30 is integrally formed with element 20 of the cartridge during assembly), and wherein the geared connection rod (see "connection rod" in figure 2 below) is integrally formed with the plunger 22. Re. claim 27, Broyles further discloses a reservoir 60 (figure 6) for receiving the mixed substance). Re. claim 31, Broyles further discloses the cartridge comprises an actuator part 22 (element 20 also serves as an actuator part; figure 2) and a material receptacle 12 having at least two compartments 14 for storing material components, the material receptacle being separable from the actuator part (element 22 is shown to be separable in figure 2). Re. claim 33, Broyles further discloses a substance for the treatment of caries (Col. 1, lines 45-46).

8. Broyles is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned within the outlet of the compartments, that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Tischlinger discloses a delivery system comprising a self-opening closure system 41 (figures 1 and 2) which seals the front ends of compartments, is positioned in the outlet of compartments, and would open when the plunger is advanced (Col. 4, lines 45-65), the self-opening closure system comprising a plug 41 that may be pushed forward upon movement of the plunger toward the front end of the cartridge (Col. 4, lines 45-65). Therefore, it would be

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obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned in the outlets of each of the compartments that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Tischlinger, for the purpose of keeping the dispenser from leaking while not in use.

9. Claims 20, 25, 27, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles and in view of Nilson (US 4141474).

10. Regarding claims 20 and 33, Broyles discloses a delivery system 10/38 (figure 2) and 60 (figure 6) for controlled dispensing of a substance, the system comprising: a cartridge 12/22 having at least two compartments for storing material components to form a substance; each compartment having an outlet 18 at a front end; a plunger 22 having at least two pistons (see "pistons" in figure 2 below) for sealing the respective compartments and advancing the material components in the at least two compartments; and a lever 30 and a geared connection rod (see "connection rod" in figure 2 below) for providing controlled dispensing of the substance, wherein the lever is integrally formed with at least a part of the cartridge (see figure 2; the lever 30 is integrally formed with element 20 of the cartridge during assembly), and wherein the geared connection rod (see "connection rod" in figure 2 below) is integrally formed with the plunger 22. Re. claim 27, Broyles further discloses a reservoir 60 (figure 6) for

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receiving the mixed substance). Re. claim 31, Broyles further discloses the cartridge comprises an actuator part 22 (element 20 also serves as an actuator part; figure 2) and a material receptacle 12 having at least two compartments 14 for storing material components, the material receptacle being separable from the actuator part (element 22 is shown to be separable in figure 2). Re. claim 33, Broyles further discloses a substance for the treatment of caries (Col. 1, lines 45-46).

11. Broyles is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned in the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Nilson discloses a delivery system comprising a self-opening closure system 18 (figure 1) which seals the front ends of compartments and would open when the plunger is advanced (Col. 3, lines 57-62; abstract), the self-opening closure system comprising a plug 18 (seals a hole and therefore serves as a plug) positioned in an outlet of a compartment that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed forward upon movement of the plungers in Broyles if incorporated onto the tips of the device disclosed by Broyles). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles to include a self-opening closure system which seals the front ends of the compartments, is positioned in the outlets of the each of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug that may be pushed forward upon movement

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of the plunger toward the front end of the cartridge, as taught by Nilson, for the purpose of keeping the dispenser from leaking while not in use.

12. Claims 20, 25, 27, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles and in view of Schlicksupp (US 2628004).

13. Regarding claims 20 and 33, Broyles discloses a delivery system 10/38 (figure 2) and 60 (figure 6) for controlled dispensing of a substance, the system comprising: a cartridge 12/22 having at least two compartments for storing material components to form a substance; each compartment having an outlet 18 at a front end; a plunger 22 having at least two pistons (see "pistons" in figure 2 below) for sealing the respective compartments and advancing the material components in the at least two compartments; and a lever 30 and a geared connection rod (see "connection rod" in figure 2 below) for providing controlled dispensing of the substance, wherein the lever is integrally formed with at least a part of the cartridge (see figure 2; the lever 30 is integrally formed with element 20 of the cartridge during assembly), and wherein the geared connection rod (see "connection rod" in figure 2 below) is integrally formed with the plunger 22. Re. claim 27, Broyles further discloses a reservoir 60 (figure 6) for receiving the mixed substance). Re. claim 31, Broyles further discloses the cartridge comprises an actuator part 22 (element 20 also serves as an actuator part; figure 2) and a material receptacle 12 having at least two compartments 14 for storing material components, the material receptacle being separable from the actuator part (element 22

is shown to be separable in figure 2). Re. claim 33, Broyles further discloses a substance for the treatment of caries (Col. 1, lines 45-46).

14. Broyles is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned in the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Schlicksupp discloses a delivery system comprising a self-opening closure system 4 (figures 2 and 4) which seals the front ends of compartments and would open when the plunger is advanced (Col. 3, lines 36-56), the self-opening closure system comprising a plug 4 (seals a hole and therefore serves as a plug) positioned in an outlet of a compartment that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed forward upon movement of the plungers in Broyles if incorporated onto the tips of the device disclosed by Broyles). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned in the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Schlicksupp, for the purpose of keeping the dispenser from leaking while not in use.



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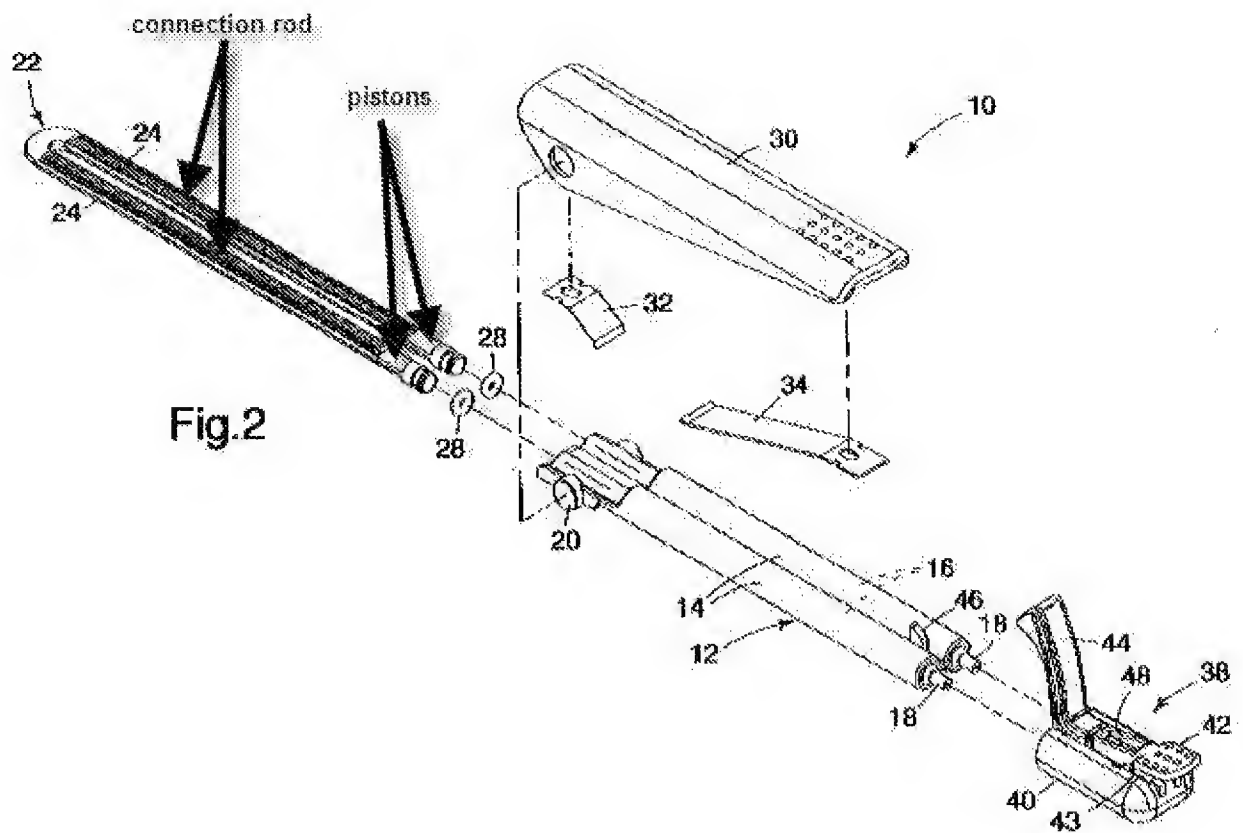
15. Claims 20, 25, 27, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles and in view of Dark (US 6616012 B2).

16. Regarding claims 20 and 33, Broyles discloses a delivery system 10/38 (figure 2) and 60 (figure 6) for controlled dispensing of a substance, the system comprising: a cartridge 12/22 having at least two compartments for storing material components to form a substance; each compartment having an outlet 18 at a front end; a plunger 22 having at least two pistons (see "pistons" in figure 2 below) for sealing the respective compartments and advancing the material components in the at least two compartments; and a lever 30 and a geared connection rod (see "connection rod" in figure 2 below) for providing controlled dispensing of the substance, wherein the lever is integrally formed with at least a part of the cartridge (see figure 2; the lever 30 is integrally formed with element 20 of the cartridge during assembly), and wherein the geared connection rod (see "connection rod" in figure 2 below) is integrally formed with the plunger 22. Re. claim 27, Broyles further discloses a reservoir 60 (figure 6) for receiving the mixed substance). Re. claim 31, Broyles further discloses the cartridge comprises an actuator part 22 (element 20 also serves as an actuator part; figure 2) and a material receptacle 12 having at least two compartments 14 for storing material components, the material receptacle being separable from the actuator part (element 22 is shown to be separable in figure 2). Re. claim 33, Broyles further discloses a substance for the treatment of caries (Col. 1, lines 45-46).

17. Broyles is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the

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plunger is advanced, the self-opening closure system comprising a plug positioned within the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Dark discloses a delivery system comprising a self-opening closure system 10 (figures 1-8) which seals the front ends of compartments and would open when the plunger is advanced (Col. 4, lines 5-10; Col. 6, lines 37-45), the self-opening closure system comprising a plug 60/68 (seals a hole and therefore serves as a plug) positioned in an outlet of a compartment that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed forward upon movement of the plungers in Broyles if incorporated onto the tips of the device disclosed by Broyles). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned within the outlet of the compartments that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Dark, for the purpose of keeping the dispenser from leaking while not in use.



18. Claims 20, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen et al (US 20040024353 A1) in view of Tischlinger.

19. Regarding claim 20, Petersen discloses a delivery system 10 (figure 1) for controlled dispensing of a substance, the system comprising: a cartridge 12 (figure 2) having at least two compartments 18/16 (figure 2) for storing material components that may be mixed to form a substance; each compartment having an outlet 28/40 at a front end; a plunger 50 (figure 2) having at least two pistons 32/44 (figure 2) for sealing the respective compartments and advancing the material components in the at least two compartments; and a lever 58 (figure 4) and a geared connection rod 94 (figure 4B) for providing controlled dispensing of the substance.

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20. Petersen further discloses the lever 58 (figure 3) is attached (indirectly) to a sleeve 66 (figure 3) and a pawl 98 engages with the lever so that upon each push of the lever, the pistons are caused to move forward, providing controlled dispensing of the substances.

21. Petersen also discloses wherein by pressing the lever, a pawl 98 (figure 4) engages with the connecting rod 94 (figure 4B; on underside of element 76 in figure 4) and thereby activates a plunger 50 (figure 2), and a piston 32/44 is moved forward.

22. Petersen is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned within the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Tischlinger discloses a delivery system comprising a self-opening closure system 41 (figures 1 and 2) which seals the front ends of compartments and would open when the plunger is advanced (Col. 4, lines 45-65), the self-opening closure system comprising a plug 41 that may be pushed forward upon movement of the plunger toward the front end of the cartridge (Col. 4, lines 45-65).

Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Petersen to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned within an outlet of a compartment that may be pushed forward upon movement of the plunger toward the front end of the

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cartridge, as taught by Tischlinger, for the purpose of keeping the dispenser from leaking while not in use.

23. Claims 20, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen and in view of Nilson.

24. Regarding claim 20, Petersen discloses a delivery system 10 (figure 1) for controlled dispensing of a substance, the system comprising: a cartridge 12 (figure 2) having at least two compartments 18/16 (figure 2) for storing material components that may be mixed to form a substance; each compartment having an outlet 28/40 at a front end; a plunger 50 (figure 2) having at least two pistons 32/44 (figure 2) for sealing the respective compartments and advancing the material components in the at least two compartments; and a lever 58 (figure 4) and a geared connection rod 94 (figure 4B) for providing controlled dispensing of the substance.

25. Petersen further discloses the lever 58 (figure 3) is attached (indirectly) to a sleeve 66 (figure 3) and a pawl 98 engages with the lever so that upon each push of the lever, the pistons are caused to move forward, providing controlled dispensing of the substances.

26. Petersen also discloses wherein by pressing the lever, a pawl 98 (figure 4) engages with the connecting rod 94 (figure 4B; on underside of element 76 in figure 4) and thereby activates a plunger 50 (figure 2), and a piston 32/44 is moved forward.

27. Petersen is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when

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the plunger is advanced, the self-opening closure system comprising a plug positioned within an outlet of the compartments that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Nilson discloses a delivery system comprising a self-opening closure system 18 (figure 1) which seals the front ends of compartments and would open when the plunger is advanced (Col. 3, lines 57-62; abstract), the self-opening closure system comprising a plug 18 (seals a hole and therefore serves as a plug) positioned within an outlet of a compartment that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed forward upon movement of the plungers in Petersen if incorporated onto the tips of the device disclosed by Petersen). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Petersen to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned within the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Nilson, for the purpose of keeping the dispenser from leaking while not in use.

28. Claims 20, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen and in view of Schlicksupp.

29. Regarding claim 20, Petersen discloses a delivery system 10 (figure 1) for controlled dispensing of a substance, the system comprising: a cartridge 12 (figure 2) having at least two compartments 18/16 (figure 2) for storing material components that

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may be mixed to form a substance; each compartment having an outlet 28/40 at a front end; a plunger 50 (figure 2) having at least two pistons 32/44 (figure 2) for sealing the respective compartments and advancing the material components in the at least two compartments; and a lever 58 (figure 4) and a geared connection rod 94 (figure 4B) for providing controlled dispensing of the substance.

30. Petersen further discloses the lever 58 (figure 3) is attached (indirectly) to a sleeve 66 (figure 3) and a pawl 98 engages with the lever so that upon each push of the lever, the pistons are caused to move forward, providing controlled dispensing of the substances.

31. Petersen also discloses wherein by pressing the lever, a pawl 98 (figure 4) engages with the connecting rod 94 (figure 4B; on underside of element 76 in figure 4) and thereby activates a plunger 50 (figure 2), and a piston 32/44 is moved forward.

32. Petersen is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned with the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Schlicksupp discloses a delivery system comprising a self-opening closure system 4 (figures 2 and 4) which seals the front ends of compartments and would open when the plunger is advanced (Col. 3, lines 36-56), the self-opening closure system comprising a plug 4 (seals a hole and therefore serves as a plug) positioned within an outlet of a compartment that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed

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forward upon movement of the plungers in Petersen if incorporated onto the tips of the device disclosed by Petersen). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Petersen to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned within the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Schlicksupp, for the purpose of keeping the dispenser from leaking while not in use.

33. Claims 20, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen and in view of Dark.

34. Regarding claim 20, Petersen discloses a delivery system 10 (figure 1) for controlled dispensing of a substance, the system comprising: a cartridge 12 (figure 2) having at least two compartments 18/16 (figure 2) for storing material components that may be mixed to form a substance; each compartment having an outlet 28/40 at a front end; a plunger 50 (figure 2) having at least two pistons 32/44 (figure 2) for sealing the respective compartments and advancing the material components in the at least two compartments; and a lever 58 (figure 4) and a geared connection rod 94 (figure 4B) for providing controlled dispensing of the substance.

35. Petersen further discloses the lever 58 (figure 3) is attached (indirectly) to a sleeve 66 (figure 3) and a pawl 98 engages with the lever so that upon each push of the



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lever, the pistons are caused to move forward, providing controlled dispensing of the substances.

36. Petersen also discloses wherein by pressing the lever, a pawl 98 (figure 4) engages with the connecting rod 94 (figure 4B; on underside of element 76 in figure 4) and thereby activates a plunger 50 (figure 2), and a piston 32/44 is moved forward.

37. Petersen is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned within the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Dark discloses a delivery system comprising a self-opening closure system 10 (figures 1-8) which seals the front ends of compartments and would open when the plunger is advanced (Col. 4, lines 5-10; Col. 6, lines 37-45), the self-opening closure system comprising a plug 60/68 (seals a hole and therefore serves as a plug) positioned within an outlet of a compartment that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed forward upon movement of the plungers in Petersen if incorporated onto the tips of the device disclosed by Petersen). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Petersen to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned within the outlets that may be pushed forward upon movement of the plunger

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toward the front end of the cartridge, as taught by Dark, for the purpose of keeping the dispenser from leaking while not in use.

38. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al (US 6007515) in view of Tischlinger.

39. Regarding claim 20, Epstein discloses a delivery system (figure 3) for controlled dispensing of a substance, the system comprising: a cartridge 30 having at least two compartments for storing material components that may be mixed to form a substance; each compartment having an outlet 132 (figure 15) at a front end; a plunger 40 having at least two pistons 44 (figures 3 and 15) for advancing the material components in the at least two compartments; and a lever 22 and a geared connection rod 50 for providing controlled dispensing of the substance.

40. Epstein is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned within the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Tischlinger discloses a delivery system comprising a self-opening closure system 41 (figures 1 and 2) which seals the front ends of compartments and would open when the plunger is advanced (Col. 4, lines 45-65), the self-opening closure system comprising a plug 41 a plug positioned within an outlet of a compartment that may be pushed forward upon movement of the plunger toward the front end of the cartridge (Col. 4, lines 45-65). Therefore, it would be obvious to one of

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ordinary skill in the art, at the time the invention was made, to modify Epstein to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug a plug positioned within the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Tischlinger, for the purpose of keeping the dispenser from leaking while not in use.

41. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein and in view of Nilson.

42. Regarding claim 20, Epstein discloses a delivery system (figure 3) for controlled dispensing of a substance, the system comprising: a cartridge 30 having at least two compartments for storing material components that may be mixed to form a substance; each compartment having an outlet 132 (figure 15) at a front end; a plunger 40 having at least two pistons 44 (figures 3 and 15) for advancing the material components in the at least two compartments; and a lever 22 and a geared connection rod 50 for providing controlled dispensing of the substance.

43. Epstein is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned within the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Nilson discloses a delivery system comprising a self-opening closure system 18 (figure 1) which seals the front ends of compartments

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and would open when the plunger is advanced (Col. 3, lines 57-62; abstract), the self-opening closure system comprising a plug 18 (seals a hole and therefore serves as a plug) positioned within an outlet of a compartment that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed forward upon movement of the plungers in Epstein if incorporated onto the tips of the device disclosed by Epstein). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Epstein to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned within the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Nilson, for the purpose of keeping the dispenser from leaking while not in use.

44. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein and in view of Schlicksupp.

45. Regarding claim 20, Epstein discloses a delivery system (figure 3) for controlled dispensing of a substance, the system comprising: a cartridge 30 having at least two compartments for storing material components that may be mixed to form a substance; each compartment having an outlet 132 (figure 15) at a front end; a plunger 40 having at least two pistons 44 (figures 3 and 15) for advancing the material components in the at least two compartments; and a lever 22 and a geared connection rod 50 for providing controlled dispensing of the substance.

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46. Epstein is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned within the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Schlicksupp discloses a delivery system comprising a self-opening closure system 4 (figures 2 and 4) which seals the front ends of compartments and would open when the plunger is advanced (Col. 3, lines 36-56), the self-opening closure system comprising a plug 4 (seals a hole and therefore serves as a plug) positioned within the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed forward upon movement of the plungers in Epstein if incorporated onto the tips of the device disclosed by Epstein). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Epstein to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned within the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Schlicksupp, for the purpose of keeping the dispenser from leaking while not in use.

47. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein and in view of Dark.

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48. Regarding claim 20, Epstein discloses a delivery system (figure 3) for controlled dispensing of a substance, the system comprising: a cartridge 30 having at least two compartments for storing material components that may be mixed to form a substance; each compartment having an outlet 132 (figure 15) at a front end; a plunger 40 having at least two pistons 44 (figures 3 and 15) for advancing the material components in the at least two compartments; and a lever 22 and a geared connection rod 50 for providing controlled dispensing of the substance.

49. Epstein is silent regarding the delivery system comprising a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug positioned within the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge. However, Dark discloses a delivery system comprising a self-opening closure system 10 (figures 1-8) which seals the front ends of compartments and would open when the plunger is advanced (Col. 4, lines 5-10; Col. 6, lines 37-45), the self-opening closure system comprising a plug 60/68 (seals a hole and therefore serves as a plug) positioned within an outlet of compartment that may be pushed forward upon movement of the plunger toward the front end of the cartridge (may be pushed forward upon movement of the plungers in Epstein if incorporated onto the tips of the device disclosed by Epstein). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Epstein to include a self-opening closure system which seals the front ends of the compartments and would open when the plunger is advanced, the self-opening closure system comprising a plug

positioned within the outlets that may be pushed forward upon movement of the plunger toward the front end of the cartridge, as taught by Dark, for the purpose of keeping the dispenser from leaking while not in use.

50. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein, in view Tischlinger, and further in view of Lokhandwala.

51. Regarding claim 26, Epstein/Tischlinger discloses the claimed invention substantially as claimed, as set forth above for claim 20. Epstein/Tischlinger is silent regarding a reinforcement member for hindering possible backlash movement of the connection rod, wherein a pawl is adapted to lift the reinforcement member and thereby release the connection rod. However, Lockhandwala teaches a reinforcement member 126 for hindering possible backlash movement of the connection rod 122, wherein a pawl 152 is adapted to lift the reinforcement member and thereby release the connection rod (Figure 1; paragraph 0019; the reinforcement member 126 is released with each stroke of the lever, wherein the pawl 152 pivots forward so as to push the plunger 120 forward). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Epstein/Tischlinger by including a reinforcement member for hindering possible backlash movement of the connection rod, wherein a pawl is adapted to lift the reinforcement member and thereby release the connection rod, as taught by Lokhandwala, for the purpose of preventing unwanted movement of the lever.

52. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein, in view Nilson and further in view of Lokhandwala.

53. Regarding claim 26, Epstein/Nilson discloses the claimed invention substantially as claimed, as set forth above for claim 20. Epstein/Nilson is silent regarding a reinforcement member for hindering possible backlash movement of the connection rod, wherein a pawl is adapted to lift the reinforcement member and thereby release the connection rod. However, Lockhandwala teaches a reinforcement member 126 for hindering possible backlash movement of the connection rod 122, wherein a pawl 152 is adapted to lift the reinforcement member and thereby release the connection rod (Figure 1; paragraph 0019; the reinforcement member 126 is released with each stroke of the lever, wherein the pawl 152 pivots forward so as to push the plunger 120 forward). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Epstein/Nilson by including a reinforcement member for hindering possible backlash movement of the connection rod, wherein a pawl is adapted to lift the reinforcement member and thereby release the connection rod, as taught by Lokhandwala, for the purpose of preventing unwanted movement of the lever.

54. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein, in view Schlicksupp and further in view of Lokhandwala.

55. Regarding claim 26, Epstein/Schlicksupp discloses the claimed invention substantially as claimed, as set forth above for claim 20. Epstein/Schlicksupp is silent regarding a reinforcement member for hindering possible backlash movement of the



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connection rod, wherein a pawl is adapted to lift the reinforcement member and thereby release the connection rod. However, Lockhandwala teaches a reinforcement member 126 for hindering possible backlash movement of the connection rod 122, wherein a pawl 152 is adapted to lift the reinforcement member and thereby release the connection rod (Figure 1; paragraph 0019; the reinforcement member 126 is released with each stroke of the lever, wherein the pawl 152 pivots forward so as to push the plunger 120 forward). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Epstein/Schlicksupp by including a reinforcement member for hindering possible backlash movement of the connection rod, wherein a pawl is adapted to lift the reinforcement member and thereby release the connection rod, as taught by Lokhandwala, for the purpose of preventing unwanted movement of the lever.

56. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein, in view Dark and further in view of Lokhandwala.

57. Regarding claim 26, Epstein/Dark discloses the claimed invention substantially as claimed, as set forth above for claim 20. Epstein/Dark is silent regarding a reinforcement member for hindering possible backlash movement of the connection rod, wherein a pawl is adapted to lift the reinforcement member and thereby release the connection rod. However, Lockhandwala teaches a reinforcement member 126 for hindering possible backlash movement of the connection rod 122, wherein a pawl 152 is adapted to lift the reinforcement member and thereby release the connection rod

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(Figure 1; paragraph 0019; the reinforcement member 126 is released with each stroke of the lever, wherein the pawl 152 pivots forward so as to push the plunger 120 forward). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Epstein/Dark by including a reinforcement member for hindering possible backlash movement of the connection rod, wherein a pawl is adapted to lift the reinforcement member and thereby release the connection rod, as taught by Lokhandwala, for the purpose of preventing unwanted movement of the lever.

58. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen, in view of Tischlinger and further in view of Fukui (US 6544233 B1).

59. Regarding claims 28, 29, and 30, Petersen/Tischlinger discloses the claimed invention substantially as claimed, as set forth above for claims 20 and 27.

Petersen/Tischlinger is silent regarding the reservoir comprising a sleeve which is movable over the exterior surface of the cartridge and a cavity for receiving the substance exiting the cartridge, the cavity being formed by the interior surface of the sleeve and the exterior surface of the cartridge, wherein the cartridge is caused to move forward toward the cavity thereby providing controlled dispensing of the substance. However, Fukui teaches a reservoir comprising a sleeve 1 (figure 1A) which is movable over the exterior surface of a cartridge 6 (figures 1A and 1B) and a cavity 9 for receiving the substance exiting the cartridge, the cavity 9 being formed by the interior surface of the sleeve 1 and the exterior surface of the cartridge 6, wherein the cartridge is caused to move forward toward the cavity (figures 1A and 1B) thereby providing controlled

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dispensing of the substance. Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made to modify Petersen/Tischlinger by including the sleeve and integral parts, as taught by Fukui, with the cartridge disclosed by Petersen, for the purpose of allowing two substances to mix prior to being dispensed from the device. Upon modification of Petersen/Tischlinger, as described above, the cartridge would act as a piston and be moved forward into the reservoir just as the pistons disclosed by Petersen are activated (as described above for claim 1).

60. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen, in view of Nilson and further in view of Fukui.

61. Regarding claims 28, 29, and 30, Petersen/Nilson discloses the claimed invention substantially as claimed, as set forth above for claims 20 and 27.

Petersen/Nilson is silent regarding the reservoir comprising a sleeve which is movable over the exterior surface of the cartridge and a cavity for receiving the substance exiting the cartridge, the cavity being formed by the interior surface of the sleeve and the exterior surface of the cartridge, wherein the cartridge is caused to move forward toward the cavity thereby providing controlled dispensing of the substance. However, Fukui teaches a reservoir comprising a sleeve 1 (figure 1A) which is movable over the exterior surface of a cartridge 6 (figures 1A and 1B) and a cavity 9 for receiving the substance exiting the cartridge, the cavity 9 being formed by the interior surface of the sleeve 1 and the exterior surface of the cartridge 6, wherein the cartridge is caused to move forward toward the cavity (figures 1A and 1B) thereby providing controlled dispensing of

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the substance. Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made to modify Petersen/Nilson by including the sleeve and integral parts, as taught by Fukui, with the cartridge disclosed by Petersen, for the purpose of allowing two substances to mix prior to being dispensed from the device.

Upon modification of Petersen/Nilson, as described above, the cartridge would act as a piston and be moved forward into the reservoir just as the pistons disclosed by Petersen are activated (as described above for claim 1).

62. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen, in view of Schlicksupp and further in view of Fukui.

63. Regarding claims 28, 29, and 30, Petersen/Schlicksupp discloses the claimed invention substantially as claimed, as set forth above for claims 20 and 27.

Petersen/Schlicksupp is silent regarding the reservoir comprising a sleeve which is movable over the exterior surface of the cartridge and a cavity for receiving the substance exiting the cartridge, the cavity being formed by the interior surface of the sleeve and the exterior surface of the cartridge, wherein the cartridge is caused to move forward toward the cavity thereby providing controlled dispensing of the substance. However, Fukui teaches a reservoir comprising a sleeve 1 (figure 1A) which is movable over the exterior surface of a cartridge 6 (figures 1A and 1B) and a cavity 9 for receiving the substance exiting the cartridge, the cavity 9 being formed by the interior surface of the sleeve 1 and the exterior surface of the cartridge 6, wherein the cartridge is caused to move forward toward the cavity (figures 1A and 1B) thereby providing controlled

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dispensing of the substance. Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made to modify Petersen/Schlicksupp by including the sleeve and integral parts, as taught by Fukui, with the cartridge disclosed by Petersen, for the purpose of allowing two substances to mix prior to being dispensed from the device. Upon modification of Petersen/Schlicksupp, as described above, the cartridge would act as a piston and be moved forward into the reservoir just as the pistons disclosed by Petersen are activated (as described above for claim 1).

64. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen, in view of Dark and further in view of Fukui.

65. Regarding claims 28, 29, and 30, Petersen/Dark discloses the claimed invention substantially as claimed, as set forth above for claims 20 and 27. Petersen/Dark is silent regarding the reservoir comprising a sleeve which is movable over the exterior surface of the cartridge and a cavity for receiving the substance exiting the cartridge, the cavity being formed by the interior surface of the sleeve and the exterior surface of the cartridge, wherein the cartridge is caused to move forward toward the cavity thereby providing controlled dispensing of the substance. However, Fukui teaches a reservoir comprising a sleeve 1 (figure 1A) which is movable over the exterior surface of a cartridge 6 (figures 1A and 1B) and a cavity 9 for receiving the substance exiting the cartridge, the cavity 9 being formed by the interior surface of the sleeve 1 and the exterior surface of the cartridge 6, wherein the cartridge is caused to move forward toward the cavity (figures 1A and 1B) thereby providing controlled dispensing of the

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substance. Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made to modify Petersen/Dark by including the sleeve and integral parts, as taught by Fukui, with the cartridge disclosed by Petersen, for the purpose of allowing two substances to mix prior to being dispensed from the device. Upon modification of Petersen/Dark, as described above, the cartridge would act as a piston and be moved forward into the reservoir just as the pistons disclosed by Petersen are activated (as described above for claim 1).

66. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Tischlinger, and further in view of Simonton.

67. Regarding claim 32, Broyles/Tischlinger disclose the claimed invention substantially as claimed, as set forth above for claims 20 and 22. Broyles/Tischlinger is silent regarding the system further comprising a brush. However, Simonton teaches a brush 32 (Figure 1) attached to a material dispenser. Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles/Tischlinger by attaching a brush to the system, as taught by Simonton, for the purpose of helping to facilitate the precise application of material (paragraph 0018).

68. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Nilson and further in view of Simonton.

69. Regarding claim 32, Broyles/Nilson disclose the claimed invention substantially as claimed, as set forth above for claims 20 and 22. Broyles/Nilson is silent regarding

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the system further comprising a brush. However, Simonton teaches a brush 32 (Figure 1) attached to a material dispenser. Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles/Nilson by attaching a brush to the system, as taught by Simonton, for the purpose of helping to facilitate the precise application of material (paragraph 0018).

70. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Schlicksupp and further in view of Simonton.

71. Regarding claim 32, Broyles/Schlicksupp disclose the claimed invention substantially as claimed, as set forth above for claims 20 and 22. Broyles/Schlicksupp is silent regarding the system further comprising a brush. However, Simonton teaches a brush 32 (Figure 1) attached to a material dispenser. Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles/Schlicksupp by attaching a brush to the system, as taught by Simonton, for the purpose of helping to facilitate the precise application of material (paragraph 0018).

72. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Dark and further in view of Simonton.

73. Regarding claim 32, Broyles/Dark disclose the claimed invention substantially as claimed, as set forth above for claims 20 and 22. Broyles/Dark is silent regarding the system further comprising a brush. However, Simonton teaches a brush 32 (Figure 1) attached to a material dispenser. Therefore, it would be obvious to one of ordinary skill

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in the art, at the time the invention was made, to modify Broyles/Dark by attaching a brush to the system, as taught by Simonton, for the purpose of helping to facilitate the precise application of material (paragraph 0018).

74. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Tischlinger, further in view of Simonton, and further in view of Ferguson.

75. Regarding claim 34, Broyles/Tischlinger/Simonton discloses the system according to claim 33, but is silent regarding a kit with a system according to claim 33, further comprising a glove. However, Ferguson teaches a kit 10 that holds a dispensing system 30 ("syringe") and a glove 52 (Figure 1). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles/Tischlinger/Simonton by putting it in a kit with a glove, as taught by Ferguson, for the purpose of transporting multiple needed items together.

76. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Nilson, further in view of Simonton, and further in view of Ferguson.

77. Regarding claim 34, Broyles/Nilson/Simonton discloses the system according to claim 33, but is silent regarding a kit with a system according to claim 33, further comprising a glove. However, Ferguson teaches a kit 10 that holds a dispensing system 30 ("syringe") and a glove 52 (Figure 1). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify



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Broyles/Nilson/Simonton by putting it in a kit with a glove, as taught by Ferguson, for the purpose of transporting multiple needed items together.

78. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Schlicksupp, further in view of Simonton, and further in view of Ferguson.

79. Regarding claim 34, Broyles/Schlicksupp/Simonton discloses the system according to claim 33, but is silent regarding a kit with a system according to claim 33, further comprising a glove. However, Ferguson teaches a kit 10 that holds a dispensing system 30 ("syringe") and a glove 52 (Figure 1). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles/Schlicksupp/Simonton by putting it in a kit with a glove, as taught by Ferguson, for the purpose of transporting multiple needed items together.

80. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles, in view of Dark, further in view of Simonton, and further in view of Ferguson.

81. Regarding claim 34, Broyles/Dark/Simonton discloses the system according to claim 33, but is silent regarding a kit with a system according to claim 33, further comprising a glove. However, Ferguson teaches a kit 10 that holds a dispensing system 30 ("syringe") and a glove 52 (Figure 1). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to modify Broyles/Dark/Simonton by putting it in a kit with a glove, as taught by Ferguson, for the purpose of transporting multiple needed items together.

***Response to Arguments***

82. Applicant's arguments filed 12/21/2011 have been fully considered but they are not persuasive.

83. In response to Applicant's argument that the combination of any of the primary references with the closure system of Tischlinger does not describe or suggest a self-opening closure system comprising a plug positioned within each outlet of the at least two compartments that is pushed forward upon movement of the plunger toward the front end of the cartridge, the Examiner respectfully disagrees. Specifically, Applicant argues that the closure system taught by Tischlinger is not in an outlet. The Examiner interprets all of the sections 15 and 19 in Tischlinger to be an outlet of a compartment. Portion 19 is only a portion of the outlet. Therefore, Tischlinger does disclose the closure system in an outlet of the compartment. The claims provide no required structure for an outlet other than it being at the front end of the compartment. The specification also does not provide a special definition for the term. Sections 15/19, taken together, clearly form a front end of the device (figure 1) as a whole. Applicant further argues against modification of Tischlinger by moving the closure system into section 19. While the Examiner believes one of ordinary skill in the art would understand how to modify the size of the system to permit such a modification, the Examiner has not suggested such a modification.

84. In response to Applicant's argument that the combination of any of the primary references with the closure system of Nilson does not describe or suggest a self-

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opening closure system comprising a plug positioned within each outlet of the at least two compartments that is pushed forward upon movement of the plunger toward the front end of the cartridge, the Examiner respectfully disagrees. Specifically, Applicant argues that the valve stem 22 of Nilson is not pushed forward. However, the Examiner interprets the diaphragm as serving as the plug. As Applicant points out in the arguments, the diaphragm is pushed forward.

85. In response to Applicant's argument that the combination of any of the primary references with the closure system of Schlicksupp and Dark do not describe or suggest a self-opening closure system comprising a plug positioned within each outlet of the at least two compartments that is pushed forward upon movement of the plunger toward the front end of the cartridge, the Examiner respectfully disagrees. Specifically, Applicant provides no specific arguments regarding why Applicant believes the closure systems of Schlicksupp and Dark fail to meet the limitations pertaining to the closure system in the claims.

86. As set forth in the previous office action, the Examiner interprets element 4 to be the plug in Schlicksupp. The plug 4 is seen in a closed position figure 2 and an open position in figure 4, wherein the plug is pushed forward into the open position.

87. As set forth in the previous office action, the Examiner interprets element 60 to be the plug in Dark. The plug 60 is seen in a closed position figure 8 and an open position in figure 7, wherein the plug is pushed forward into the open position.

***Conclusion***

88. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Rosen whose telephone number is (571) 270-7855. The examiner can normally be reached Monday-Friday 930am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, ***please contact the examiner's supervisor, Cris Rodriguez, at (571) 272-4964.*** The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

***If there are any inquiries that are not being addressed by first contacting the Examiner or the Supervisor, you may send an email inquiry to***

***TC3700\_Workgroup\_D\_Inquiries@uspto.gov.***

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ERIC ROSEN/  
Examiner, Art Unit 3732

/Cris L. Rodriguez/  
Supervisory Patent Examiner, Art Unit 3732